

DECLARATION OF COLETTE FIELD

I, COLETTE FIELD, DO HEREBY DECLARE:

1. I am over the age of eighteen (18) and otherwise competent to make this declaration. The facts stated in this declaration are based upon my personal knowledge.
2. I am the Co-Managing Member together with my husband, Brigham Field, of Plaintiff, Malibu Media, LLC ("Malibu Media").
3. Malibu Media produces and owns all of its own content.
4. The business sells its product by operating a subscription-based website using the domain name X-art.com.
5. The most significant competitive threat to the business of X-Art.com is on-line piracy, and BitTorrent. The website can only compete in a fair marketplace, and cannot compete against free versions of its works.
6. Malibu Media engaged IPP International UG ("IPP") to detect infringement of its copyrighted works.
7. Malibu's prior oral agreement with IPP to pay IPP a small portion of the amount received from a settlement or judgment from Malibu's litigation does not apply to this case.
8. Malibu and IPP have a written fixed fee agreement pursuant to which Malibu pays IPP for providing the service of collecting data about infringements.
9. Malibu has never paid *any* witness to testify in this case or any other case.

10. Malibu has never paid or offered to pay Excipio, Michael Patzer, or Tobias Fieser anything, ever.

FURTHER DECLARANT SAYETH NAUGHT.

DECLARATION

PURSUANT TO 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of February, 2014.

By: _____

A handwritten signature in cursive script, appearing to read "Colette Pelissier Field", written over a horizontal line.

COLETTE PELISSIER FIELD